IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 28134-M of 2006

DATE OF DECISION : 05.09.2006

Prem Lata

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. H.S. Hooda, Senior Advocate, with
Mr. Kuldeep Tewari, Advocate,
for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

* * *

Petitioner Prem Lata has filed this petition under Section 439 of the Code of Criminal Procedure for the grant of regular bail in case FIR No. 323 dated 1.11.2005 under Section 302/34 IPC, registered at Police Station Division No.5, Ludhiana.

2. I have heard counsel for the parties and gone through the contents of the FIR as well as the order dated 27.4.2006, passed by Addl. Sessions Judge, Ludhiana, whereby bail application of the petitioner has been dismissed.

3. The aforesaid FIR has been registered on the statement of Pawan Kumar, brother of the deceased Sunita. As per his version, it was the second marriage of accused Sushil Kumar with the deceased. It has also been stated that soon after the marriage, the husband and wife used to quarrel with each other, though no reason of quarrel has been mentioned. It has been alleged by the complainant that his sister used to tell him that her in-laws family had been harassing her. On the day of the alleged occurrence, on receiving telephone call from his sister that she was being given beatings by her in-laws, when he went to her house, he saw that his sister was lying

in the courtyard with injuries and accused Sushil Kumar (husband), Pardeep Kumar (brother-in-law) and petitioner Prem Lata (sister-in-law) were standing nearby. It has been alleged that accused Sushil Kumar was holding Sua in his hand. The complainant has further alleged that his sister was telling that all three of them have killed her.

4. Counsel for the petitioner contends that as per the medical opinion, the deceased died due to the injuries caused with Sua. He submits that it was not alleged that the petitioner caused any injury. As per the prosecution version, she was standing on the place of occurrence. Counsel contends that the petitioner is un-married sister-in-law of the deceased. She has been falsely implicated, though no specific role has been attributed to her. She is in custody since 14.1.2006. Counsel for the petitioner, while referring to ration card Annexure P-2, contends that the petitioner along with her brother and aged mother is living separately from her brother Sushil Kumar. Counsel contends that even the presence of the complainant at the time of the alleged occurrence is doubtful, as according to the medical evidence, the deceased died immediately after the alleged occurrence and as per the version in the FIR, the complainant reached at the spot after two hours of the alleged beating given to the deceased.

5. In view of the aforesaid facts, without commenting any thing on the merits of the case and keeping in view the fact that the petitioner, who is un-married sister-in-law of the deceased, is in custody since 14.1.2006 and the fact that out of 17 prosecution witnesses, only one witness has been examined and conclusion of trial is likely to take long time, I am of the opinion that the petitioner deserves to be released on bail. She is accordingly ordered to be released on bail subject to her furnishing bail bonds to the satisfaction of the trial court.

6. Petition is allowed accordingly.

September 05, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**